

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 8, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council may meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Noticed Hearings, Discussion

ITEM-330: Mission Boulevard Mixed Use. (Pacific Beach Community Plan Area. District 2.)

Matter of the appeal by Richard Pearson of the Planning Commission decision approving the project with the denial of the undergrounding waiver. The proposed project includes the construction of an 8-unit residential condominium project, with 1,300 square-feet of commercial space. The project site is located at 4287 Mission Boulevard within the Pacific Beach Community Planning area.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution in subitem A to deny the appeal and uphold the decision of the Planning Commission; adopt the resolution in subitem B to certify the Mitigated Negative Declaration; adopt the resolution in subitem C to grant the permits; and adopt the resolution in subitem D to grant the map.

ITEM-331: Park Boulevard at Harbor Drive Pedestrian Bridge Project – Phases 2 and 3. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-332: Accepting City Manager Report on Review and Analysis of Council Policy 000-20, and Amending Council Policy 000-20 Pertaining to Council Programming.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Mission Boulevard Mixed Use.

Matter of the appeal by Richard Pearson of the Planning Commission decision approving the project with the denial of the undergrounding waiver. The proposed project includes the construction of an 8-unit residential condominium project, with 1,300 square-feet of commercial space. The project site is located at 4287 Mission Boulevard within the Pacific Beach Community Planning area.

(See City Manager Report CMR-05-018. Pacific Beach Community Plan Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to deny the appeal and uphold the decision of the Planning Commission; adopt the resolution in subitem B to certify the Mitigated Negative Declaration; adopt the resolution in subitem C to grant the permits; and adopt the resolution in subitem D to grant the map:

Subitem-A: (R-2005-)

Adoption of a Resolution denying the appeal, and upholding the decision of the Planning Commission.

Subitem-B: (R-2005-)

Adoption of a resolution certifying that Mitigated Negative Declaration Number No. 9522 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 *et seq.*) as amended, and the State guidelines thereto (California Administration Code Section 15000 *et seq.*), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

That pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

Subitem-C: (R-2005-)

Adoption of a Resolution granting Planned Development Permit No. 154089 and Coastal Development Permit No. 18169, with appropriate findings to support Council action.

Subitem-D: (R-2005-)

Adoption of a Resolution granting Tentative Map No. 159337, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on November 18, 2004 voted 5-2 to approve the project as proposed with Denial of the request to waive the requirement to underground existing overhead utilities; was opposition.

Ayes: Garcia, Steele, Chase, Otsuji, Ontai

Nays: Lettieri, Schultz

The Pacific Beach Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND

The project site is located at 4287 Mission Boulevard in the CV-1-2 (Visitor Serving Commercial allowing Residential) Zone, within the Pacific Beach Community Plan, Coastal Overlay Zone (Coastal Commission Non-Appealable Jurisdiction), Coastal Height Limit Overlay Zone, Transit Overlay Zone, and Parking Impact Overlay Zone (Beach Impact Area).

The project site currently contains an existing one-story, 5,192 square-foot commercial building, which would be retained. Adjacent land uses include restaurants to both the north and south, residential to the east, across the alley, and a hotel and parking lot to the west, across Mission Boulevard. The immediate neighborhood is developed with a mixture of commercial and residential development in a wide variety of architectural styles, colors, heights, bulk, and scale.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

On November 4, 2004 the Planning Commission heard the subject project for the first of two times. At the November 4 hearing, a motion was made by Commissioner Garcia to approve staff's recommendation which was to Approve the Coastal Development Permit, the Planned Development Permit, and the Tentative Map; however the motion proposed to deny the request to waive the requirement for undergrounding existing overhead utilities. With four Commissioners present, the motion failed by a vote of 3-1 with Commissioners Garcia, Chase and Otsuji voting in favor of the motion, and Chairman Lettieri voting against the motion. Since the motion failed, the item was trailed to the November 18, 2004 Planning Commission hearing. At the November 18 Planning Commission Hearing, the Commission voted 5-2 to approve staff's recommendation and to Deny the request to waive the requirement to underground the existing overhead utilities.

The Commission and opposition discussion at both hearings centered on the amount of density and the use proposed on the project site. It is staff's position that the density and use are appropriate for the subject site.

The proposed 10-unit condominium project (8 new residential condominiums, one new and one existing commercial condominium) would self-generate at least 50 percent of their electrical energy needs through photovoltaic technology (solar panels). Because the project utilizes renewable technologies and qualifies as a Sustainable Building under Council Policies 900-14 and 600-27, the land use approvals have been processed through the "Affordable/In-Fill Housing and Sustainable Buildings Expedite Program."

FISCAL IMPACT:

Loveland/Halbert/DES

LEGAL DESCRIPTION:

The project site is located at 4287 Mission Boulevard in the CV-1-2 Zone within the Pacific Beach Community Plan, Coastal Overlay (non-appealable), Coastal Height Limit, Transit Overlay Zone, Beach Parking Impact, Council District 2.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: Park Boulevard at Harbor Drive Pedestrian Bridge Project – Phases 2 and 3.

(See Centre City Development Corporation Report CCDC-05-04/CCDC-05-01. East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-779)

Certifying that the Mitigated Negative Declaration of environmental impacts with respect to the proposed development of the pedestrian bridge has been prepared and completed in compliance with the California Environmental Quality Act of 1970 and State and local regulations and guidelines adopted pursuant thereto;

Certifying that the MEIR/SEIR for the Centre City Redevelopment Project, and the Mitigated Negative Declaration, were presented to the members of the City, and that the information contained in the Mitigated Negative Declaration, and MEIR/SEIR, has been reviewed and considered by City members;

Certifying that the Mitigated Negative Declaration (as with the MEIR/SEIR for the Redevelopment Project) represents the City's independent judgment and analysis;

Finding and determining that:

- a. No substantial changes are proposed in the Centre City Redevelopment Project, or with respect to the circumstances under which the Project is to be undertaken, as a result of the development of the pedestrian bridge, which will require major revisions in the MEIR/SEIR for the Project, due to the involvement of new significant environmental effects, or a substantial increase in the severity of previously identified significant effects, not covered in the MEIR/SEIR; and

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

- b. No new information of substantial importance to the Project has become available which was not known or could not have been known with the exercise of reasonable diligence at the time the MEIR/SEIR for the Project was certified as complete, and which shows that the Project will have any significant effects not discussed previously in the MEIR/SEIR, or that any significant effects previously examined will be substantially more severe than shown in the MEIR/SEIR, or that any mitigation measures or alternatives previously found not to be feasible or not previously considered would substantially reduce or lessen any significant effects of the Project on the environment; and
- c. No negative declaration, or subsequent environmental impact report, or supplement or addendum to the MEIR/SEIR is necessary or required; and
- d. The development of the pedestrian bridge will have no significant effect on the environment, except as identified and considered in the MEIR/SEIR for the Project;

Approving and adopting the activity specific Mitigation Monitoring and Reporting Program with respect to the development under the proposed Mitigated Negative Declaration.

NOTE: See the Redevelopment Agency Agenda of February 8, 2005, for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-332: Accepting City Manager Report on Review and Analysis of Council Policy 000-20, and Amending Council Policy 000-20 Pertaining to Council Programming.

(See City Manager Report CMR-05-032.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-784)

Accepting City Manager Report on Review and Analysis of Council Policy 000-20, and Amending Council Policy 000-20 Pertaining to Council Programming.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT